

Topsfield Planning Board

March 18, 2014

Chairman Morrison called the meeting to order at 8:00 PM at the Town Library. Board members present were Martha Morrison, Jeanine Cunniff, Joseph Geller and Steven Hall. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Gregory St. Louis, Steve Lais and Anne Trevenen

PUBLIC HEARING

Zoning Amendment Articles for the May 6, 2014 Annual Town Meeting

At 8:00PM, Chairman Morrison opened the public hearing to consider the following proposed amendment to the Topsfield Zoning By-law for the May 6, 2014 Annual Town Meeting. Clerk Steven Hall read the legal notice for the record. See below.

1. **Article VII, Section 7.04:** amends this section in its entirety by deleting the Temporary Moratorium on Marijuana Treatment Centers and replacing it with a new section entitled “Medical Marijuana Treatment Center” that establishes regulations that reference the state CMR, allows use in the Business Park District by special permit, designates the Zoning Board of Appeals as the special permit granting authority and requires site plan review for said use.
2. **Article III, Section 3.02:** amends the Table of Use Regulations with the insertion of a new sub-section 2.18 Medical Marijuana Treatment Center.
3. **Article III, Section 3.05:** amends nonconforming uses section by removing quotations from the first paragraph, inserting of alphabetic ordering to existing paragraphs and the addition of a new section of limited exemptions for alterations to nonconforming single and two-family residential structures subject to the determination by the Inspector of Buildings that such alteration does not increase the nonconforming nature of said structure.
4. **Article IV, Section 4.04: :** amends this section by adding a new section C for lots created after May 6, 2014 in the ORA and the IRA Districts requiring each lot’s buildable area to be capable of containing a 100 foot diameter circle within which there is not more than 5% of buffer zone, and re-lettering the existing section C to D and amending it to allow the Planning Board to require indication on subdivision plans or on plot plans the location on a lot or lots of the 100 foot diameter circle.
5. **Article XVI, Section 16.04:** housekeeping article to correct the alphabetic ordering after F. Design Standards.

Chairman Morrison made a summary presentation of the proposed amendments. The Board then proceeded to review the zoning amendments by article as listed in the legal

notice and in the public hearing document titled “Proposed 2014 Zoning Warrant Articles”.

1. **Article VII, Section 7.04 Medical Marijuana Treatment Center:** The members upon review made several editorial and minor clerical revisions to the amendment by adding the word “town”, remove hyphen in “By-law”; return line in f. & g. under D Procedure and replace “section” with “entry” in last paragraph.
2. **Article III, Section 3.02 Table of Use:** No changes to amendment
3. **Article IV, Section 4.04 Nonconforming Uses:** Chairman Morrison informed the members that at the Zoning Board’s February 19, 2014 meeting, the ZBA requested that there be no action on this amendment. The Board would like to monitor the finding application requests during the fiscal year and make a recommendation to the Planning Board during 2015 zoning process.
4. **Article IV, Section 4.04 Minimum Buildable Area:** Chairman Morrison noted that this revision concerned the quality of building lots for future development for future citizens of the Town. This issue was raised during the monitoring of the development of lots at Hickory Beech. Moreover, this zoning revision will only affect new lots developed after the May 6, 2014 town meeting. The Board amended the editorial language in section D as proposed by Selectman Gandt to read:

~~*C.-D. On subdivision plans or on plot plans*~~ the Planning Board may require ~~indication on subdivision plans or on plot plans of the general location on a lot of proposed buildings, and to determine the existence of sufficient buildable land~~ *those plans to show buildable areas as required in Section 4.08 A. and C., and the proposed locations of buildings.”*

5. **Article XVI, Section 16.04:** No changes to housekeeping revision.

Chairman Morrison entertained comments from the public. Mr. Stephen Lais of 85 Perkins Row noted that he took issue with the Minimum Buildable Area amendment since it limited an owners development rights. However, once the intent was explained that this applied to only future development to protect potential residents such that they would have a yard not limited by buffer zone and an area on the lot capable of locating a house, driveway and septic system, Mr. Lais withdrew his objection.

Chairman Morrison then entertained a motion to close the public hearing. Member Jeanine Cunniff made the motion to close the public hearing; seconded by Member Joseph Geller; so voted 4-0.

For specific details refer to the attached Proposed Public Hearing Documents, dated March 18, 2014.

Deliberations and Vote of the Board:

Article VII, Section 7.04 Medical Marijuana Treatment Center: Clerk Steven Hall made the motion to recommend and approve the zoning amendment as amended by adding the word “town”, remove hyphen in “By-law”; return line in f. & g. under D Procedure and replace “section” with “entry” in last paragraph; seconded by Member Jeanine Cunniff; so voted 3-0-1. Member Joseph Geller abstained.

Article III, Section 3.02 Table of Use: Clerk Steven Hall made the motion to recommend and approve the zoning amendment as set forth; seconded by Member Jeanine Cunniff; so voted 3-0-1. Member Joseph Geller abstained.

Article IV, Section 4.04 Nonconforming Uses: Member Jeanine Cunniff made the motion of no action; seconded by Clerk Steven Hall; so voted 4-0.

Article IV, Section 4.04 Minimum Buildable Area: Member Jeanine Cunniff made the motion to recommend and approve the zoning amendment as amended; seconded by Clerk Steven Hall; so voted 4-0.

Article XVI, Section 16.04: Member Joseph Geller made the motion to recommend and approve the re-lettering in Article XVI as set forth; seconded by Clerk Steven Hall; so voted 4-0.

45 Wenham Road: At 8:46PM, Chairman Morrison called to order the public hearing to consider the application of Anne Trevenen for premises located at 45 Wenham Road requesting a special permit pursuant to Article VII, Section 7.03 of the Zoning By-law for a pre-existing temporary accessory apartment.

Chairman Morrison reviewed the history of the implementation of the Bylaw. Since this accessory apartment pre-existed the Bylaw, the area of the apartment is grandfathered and is not required to be reduced.

Upon review of the application, plan and documentation, the Board made the appropriate finding to grant a special permit. Member Joseph Geller made the motion to approve a temporary accessory apartment at 45 Wenham Road; seconded by Member Jeanine Cunniff; so voted 4-0.

Hickory Beech Subdivision: At this time, Project Engineer Gregory St. Louis requested a reduction to the Schedule of Values to \$39,660.91. See attachment for specific details. He also submitted the required Outside Consultant Agreement (copy) with Attorney Kathryn Morin’s signature for the engineering peer review required by the Planning Board for street acceptance. This document was rejected by the Planning Board and the

Schedule of Values was adjusted to a balance of \$44,165.91 on a motion by Member Jeanine Cunniff; seconded by Clerk Steven Hall; so voted 4-0.

Further discussion followed and it was the consensus of the Board that it would not entertain any further reductions until the project reached 100%. Mr. St. Louis proposed that Beals Associates would deposit the funds for the peer review and would proceed to obtain the proper principal at Meeting Way Corporation to execute the Outside Consultant Agreement. The Board agreed in principle.

Member Jeanine Cunniff then made the motion to release the Notice of Reduction to TDNorth for a balance in the amount of \$44,165.91 once the Town was in receipt of the proper paperwork concerning the Agreement; seconded by Clerk Steven Hall; so voted 4-0.

DHDC Housing Inventory List: After a discussion regarding the list, the Board requested that Ms. Knight update the list relative to the new group homes that have been established since the last inventory.

Town Maps: Chairman Morrison noted that the Mapping Committee had informed her that the Committee intended to build a town map showing all the drainage pipes within the Town.

The meeting was adjourned at 10:09 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator